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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA-134109

Notification

The 1st November, 2022

No. SEC/4E-II/2022/4689.—Whereas the State Election Commission, Haryana vide notification No. SEC/4E-II/2022/3064, dated 07.10.2022 had announced schedule for conduct of general elections of Panches and Sarpanches of all Gram Panchayats and Members of all Panchayat Samitis and Zila Parishads in ten districts namely Bhiwani, Fatehabad, Jhajjar, Jind, Kaithal, Mahendergarh, Nuh, Panchkula, Panipat and Yamuna Nagar. This also included Gram Panchayat Farsh Majra, Block Siwan, district Kaithal. Later on schedule for elections of Panchayati Raj Institutions in Fatehabad district was withdrawn vide notification No. SEC/4E-II/2022/3274 dated 08.10.2022. According to the notification dated 07.10.2022, notice for inviting nominations under rule 24 of the Haryana Panchayati Raj Election Rules, 1994 was published by the concerned Deputy Commissioners on 08.10.2022. Nominations were presented between 14.10.2022 to 19.10.2022, scrutiny of nominations received was done by the Returning Officers concerned on 20.10.2022 and withdrawal of candidature was on 21.10.2022. Election symbols were allotted to the contesting candidates on the same day after preparation of final list of candidates who remained in fray. Polling for members, Zila Parishad and Panchayat Samitis in nine districts has been held on 30.10.2022 and polling for election for the posts of Sarpanches and Panches is scheduled to be held on 02.11.2022.

2. Whereas, the Deputy Commissioner, Kaithal vide his memo No.2686 Panchayat election, dated 01.11.2022 has submitted that Smt. Rammi Devi W/o Sh. Dharamvir, village Farsh Mazra, Block Siwan submitted a representation on 01.11.2022 in which she has stated that her nomination for the post of Panch from ward No.6, Gram Panchayat Farsh Mazra had been rejected on 22.10.2022, against which she had filed a CWP No.24748/2022 'Rammi Devi versus State Election Commission and others in the Hon'ble Punjab and Haryana High Court at Chandigarh. The Hon'ble Punjab and Haryana High Court, Chandigarh vide its order dated 29.10.2022 has directed to accept her nomination. A Civil Miscellaneous application was filed by the State before the Hon'ble High Court praying for recalling its order dated 29.10.2022 whereby it had been directed to accept Rammi Devi petitioner's nomination form.

3. The Deputy Commissioner has further informed that Smt.Meena Devi w/o Mukesh Kumar, BC 'A' has been declared as elected unopposed for the post of Panch from ward No. 6 of Gram Panchayat Farsh Mazra, due to rejection of nomination of Smt. Rammi Devi w/o Dharamvir of the same ward. The Deputy Commissioner has also informed that an order dated 01.11.2022 passed by the Hon'ble Punjab and Haryana High Court while considering the CM No.17264 of 2022 in the same writ petition has dismissed the CM ordering that there was no ground to recall the order dated 29.10.2022 was made and the Hon'ble High Court has further reiterated its earlier decision dated 29.10.2022 to accept the petitioner's nomination and also inform the Hon'ble High Court regarding action taken in the matter on 02.11.2022. Deputy Commissioner, Kaithal has further informed that all polling parties has been dispatched and she has sought advice in the matter.

4. The Hon'ble Punjab and Haryana High Court in CWP No.24748 of 2022 Rammi Devi Vs. State Election Commissioner Haryana & others on dated 01.11.2022 has passed the following orders :-

“Present: Petitioner along with her husband present in person.

Mr. Dinesh Kumar, PGT, Geography

Mr. Suresh Kumar, Gram Sachiv, Sivan are present.

CM No.17264 of 2022

No ground to recall the order 29.10.2022 is made out.

Dismissed.

Main Case

On a specific query put to the representatives of the respondents as to how information dated 02.03.2021 on the portal of Haryana Parivar Pehchan Patra was not being accepted by treating the petitioner as BC(A) category, they have given no answer.

Adjourned to 02.11.2022,

In the meanwhile, direction is being issued to the concerned Returning Officer to accept the petitioner's nomination papers and inform this Court tomorrow.

Copy of this order be given dasti under the signature of Bench Secretary.”

5. Whereas clause (vi) of subrule (2) of rule 24 of the Haryana Panchayati Raj Election Rules, 1994 provides as under:

“24. Fixation of various stages of elections (2) The District Election Officer (Panchayat) shall by notice in Form 2 or 3, which shall be published at least five clear days before the first day fixed for making nominations, shall specify the date or dates, on, by or within which,

(vi) the poll shall be held;

Provided that the date of poll shall not be earlier than the seventh day after the last date fixed for the withdrawal of the candidatures”

6. Whereas election symbols have already been allotted to the contesting candidates on the date of withdrawal of the candidatures and after finalization of list of those candidates who have remained in fray on 21.10.2022 where polling is to be held on 02.11.2022 in furtherance of notification dated 07.10.2022 issued by the State Election Commission, Haryana as referred to above. However, in the present case there was no occasion/necessity to allot election symbols to the contesting candidates since the only candidate from Ward No. 6 of Gram Panchayat Farsh Majra whose nomination had been found valid and accepted had been declared elected unopposed by the Returning Officer concerned because nomination of the only other candidate, the petitioner Smt. Rammi Devi had been rejected by the Returning Officer concerned on 20.10.2022 during scrutiny as she had not been able to submit her BC (A) certificate in support of her nomination. It was rejected because the other candidate in contest Smt. Meena Devi w/o Mukesh Kumar had objected to her nomination from Ward No. 6 because as per Parivar Pehchan Patra dated 20.10.2022 she was shown to be belonging to Scheduled Caste category whereas she had been claiming to be from BC (A) category on the basis of entry in her Parivar Pehchan Patra dated 02.03.2021. Since Parivar Pehchan Patra entry of the later dated i.e. 20.10.2022 shown her belonging to SC category although in the earlier family id Parivar Pehchan Patra entry dated 02.03.2021 she was shown to be from BC (A). The Returning Officer rejected her nomination on the basis of latest entry in Parivar Pehchan Patra dated 20.10.2022. Although she submitted certificated for the BC (A) in support of her claim on 23.10.2022. However, by then it was too late since the date of scrutiny was 20.10.2022 and the Returning Officer had rejected her nomination by then in view of the facts and circumstances explained above.

7. Now, if in compliance of the order dated 29.10.2022 and subsequent order dated 01.11.2022 in CWP No. 24748 of 2022, ‘Rammi Devi versus State Election Commission, Haryana and others’ passed by the Hon'ble High Court, her nomination is accepted at this stage then the whole process for election for the post of Panch from Ward No. 6 in Gram Panchayat Farsh Majra, Block Siwan district Kaithal will have to be revised. Result of election for this post declaring Smt. Meena Devi w/o Mukesh Kumar as elected unopposed will have to be cancelled and she will also have to be given time for canvassing etc. This will also give time to the petitioner, Smt. Rammi Devi

W/o Sh. Dharamvir to get election symbol allotted and do canvassing for her election. The Deputy Commissioner-cum-District Election Officer (Panchayat) Kaithal will have to issue revised notice for the election process for the Ward accordingly. The Deputy Commissioner, Kaithal has also informed that polling parties have already been dispatched for conducting poll in Gram Panchayats in the district including for the post of Sarpanch in Gram Panchayat Farsh Majra. Election for the post of Panch is being held through ballot papers which have to be got printed from a security press. Ballot papers for all the post of Panches in these nine districts have been got printed from M/s Capital Business System Limited, New Delhi after completion of scrutiny, withdrawal, finalization of list and allotment of election symbols. Ballot papers for the post of Panch of Ward No. 6 of Gram Panchayat Farsh Majra were not got printed in view of the above explained facts and circumstances of the case.

8. In view of the above facts and circumstances of the case I, Dhanpat Singh, State Election Commissioner, Haryana in exercise of powers enabling me under clause 1 of article 243K of the Constitution of India, sub-section (1) of section 161 and sub-section (2) of section 211 of the Haryana Panchayati Raj Act, 1994, rule 24 of the Haryana Panchayati Raj Election Rules, 1994 and all other powers enabling me in this behalf and in compliance with the directions of the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No.24748 of 2022 orders dated 29.10.2022 and 01.11.2022 hereby order :

- (i) to issue notice to Smt. Meena Devi w/o Sh. Mukesh Kumar who has been declared as unopposed for the post of Panch of Ward No.6, Gram Panchayat Farsh Majra, Block Siwan, district Kaithal as why her election result may not be cancelled and re-election held in terms of the directions dated 29.10.2022 and 01.11.2022 of the Hon'ble High Court in CWP No. 24748 of 2022.
- (ii) to accept nomination paper of Smt. Rammi Devi w/o Sh. Dharamvir for the post of Panch of Ward No. 6 of Gram Panchayat Farsh Majra, Block Siwan, district Kaithal.
- (iii) Keep poll for the post of Panch of Ward No. 6, Gram Panchayat Farsh Majra, Block Siwan, district Kaithal which is scheduled to be held on 02.11.2022 in abeyance for the time being. Revised schedule will be issued in due course.

DHANPAT SINGH,
State Election Commissioner, Haryana.